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FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

APR 13 1999

JAMES R. LARSEN, CLERK

DEPUTY

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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE EASTERN DISTRICT OF WASHINGTON

10 JAMES M. BLACKFORD,

11 Plaintiff,

12 v.

13 BATTELLE MEMORIAL INSTITUTE,

14 Defendant.

) No. CS-98-032-FVS

) DEFENDANT'S WITNESS AND
EXHIBIT LIST

15 I. WITNESSES

16 Defendant, Battelle Memorial Institute, plans to call the following witnesses at trial.

17 Battelle reserves the right to call rebuttal witnesses whose identity cannot now be foreseen.

18 1. **Richard Chidester.** Mr. Chidester is expected to testify as a rebuttal witness
concerning statements he allegedly made concerning plaintiff.

19 2. **Maureen Gilmore.** Ms. Gilmore is expected to testify regarding the data she
20 provided to Plaintiff for his work on the UniCall project.

21 3. **Jan Goolsbey.** Mr. Goolsbey is expected to testify concerning Plaintiff's
22 performance during the time that he served as Plaintiff's manager, and the reasons for requesting
23 a fitness-for-duty evaluation of Plaintiff in 1995.

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1 4. **Gregor Hanson.** Mr. Hanson is expected to testify concerning the proceedings
2 and conclusions of the Staff Concerns Resolution Board that investigated various allegations of
3 Plaintiff's in 1995.

4 5. **Earl Heister.** Mr. Heister is expected to testify concerning Plaintiff's work
5 performance during Plaintiff's employment by Battelle and the reasons that he recommended
6 that Battelle terminate Plaintiff's employment.

7 6. **Robert Mahan.** Mr. Mahan is expected to testify regarding Plaintiff's work on
8 the UniCall project, his interactions with Plaintiff on that project, and Plaintiff's performance
9 while an employee of Battelle.

10 7. **Richard Neal.** Mr. Neal is expected to testify concerning Plaintiff's actions
11 during periodic meetings with him and Mr. Goolsbey, and the reasons why Battelle requested a
12 fitness-for-duty evaluation of Plaintiff.

13 8. **Peg Wilson.** Ms. Wilson (formerly known as Peg Jarrett) is expected to testify
14 concerning Battelle's response to Plaintiff's discrimination allegations concerning Battelle in
15 1995.

16 9. **Gerald Work.** Mr. Work is expected to testify concerning Plaintiff's
17 performance, and the reasons for his decision to terminate Plaintiff's employment.

18 **II. EXHIBITS**

19 Battelle plans to offer the following exhibits at trial. Battelle reserves the right to offer
20 impeachment or rebuttal exhibits, the identify of which cannot now be foreseen.

Exhibit Number	Document Date	Description	Document Production Numbers
200	8/11/92	Patient information and medical history form for James M. Blackford from Hanford Environmental Health Foundation	000034-42
201	5/93	Memorandum from RE Mahan to File	BMI 001667-68

Exhibit Number	Document Date	Description	Document Production Numbers
202	7/28/93	Notes on Copyright/Ethics Issues & Events [Blackford Dep. Exh. 27]	BMI 000465-480
203	8/11/93	Battelle memorandum from MW Gladstone to JM Blackford	JMB 41
204	4/4/94	E-mail message from J. Michael Blackford to Jan E. Goolsbey	BMI 002700
205	5/26/94	E-mail message from J. Michael Blackford to PNL IS&S Customer Feedback [Blackford Dep. Exh. 30]	BMI 000617-19
206	9/27/94	Battelle memorandum from Robbin Johanson to Jan Goolsbey	BMI 002712
207	10/2/94	Memorandum from JE Goolsbey to JD McCoy	BMI 000638-39
208	12/13/94-12/14/94	E-mail messages between Peggy L. Bott, Walt Discenza, and J. Michael Blackford	BMI 001378
209	12/13/94-12/15/94	E-mail messages between Mary J. Heaton, Jan E. Goolsbey, and J. Michael Blackford	BMI 002939-941
210	12/28/94-12/29/94	E-mail messages between JD Fluckiger, J. Michael Blackford, and Jan E. Goolsbey	BMI 002944-46
211	1/25/95	Notes re: telephone discussion with Earl Heister	BMI 000677
212	2/9/95-2/10/95	Notes re: meetings with Mike and Jan	BMI 001445
213	2/16/95	Performance Review and Development Plan Summary for J. Michael Blackford	BMI 000280-83
214	2/22/95	Memorandum from J. Michael Blackford to Jan E. Goolsbey [Blackford Dep. Exh. 5]	JMB 245-269
215	2/22/95	Notes re: meeting with Mick and Dick Neal	BMI 001452-53
216	2/24/95	Notes re: meeting with Jan, Mick, and Dick Neal	BMI 001464
217	2/27/95	Corrective Action Plan	BMI 000551-56

	Exhibit Number	Document Date	Description	Document Production Numbers
1	218	3/6/95	Notes re: meeting with Mike, Jan, and Dick Neal	BMI 001500
2	219	3/13/95	Notes from Weekly Performance Review Meeting with Mike Blackford and Jan Goolsbey	BMI 001506-507
3	220	3/20/95	Notes from Weekly Performance Review Meeting with Mike Blackford, Dick Neal, and Jan Goolsbey	BMI 001526-27
4	221	3/23/95	Faximile cover sheet from J. Michael Blackford to Jan E. Goolsbey attaching Configuration Tracking Improvement Project Plan	BMI 001534-550
5	222	3/27/95	E-mail message from Jan E. Goolsbey to Mike	BMI 003062-63
6	223	3/27/95	E-mail message from J. Michael Blackford to Jan E. Goolsbey	BMI 001557-59
7	224	3/30/95	Notes from Weekly Performance Review Meeting with Mike Blackford, Dick Neal, and Jan Goolsbey	BMI 000696-97
8	225	3/31/95	E-mail message from J. Michael Blackford to Judy A. Thompson	BMI 000701
9	226	3/31/95	E-mail message from Richard L. Neal to J. Michael Blackford	BMI 003107
10	227	3/31/95-4/2/95	E-mail messages between Richard L. Neal and J. Michael Blackford	BMI 003286-87
11	228	4/3/95-4/4/95	Letter from Jan E. Goolsbey to J. Michael Blackford attaching memorandum from Goolsbey to Blackford	JMB 57-58
12	229	4/3/95	Battelle memorandum from Jan E. Goolsbey to Dan Lowe	JMB 59
13	230	4/4/95	Battelle memorandum from Dick Neal	BMI 003116
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Exhibit Number	Document Date	Description	Document Production Numbers
231	4/10/95	Hanford Environmental Health Foundation memorandum from Dan Lowe to Jan E. Goolsbey	BMI 000257
232	4/11/95	Notes from meeting between Mick Blackford and Jan Goolsbey	BMI 000694
233	4/11/95	E-mail message from Loren P. Henderson to Robert L. Crook, Robert A. Eades, Michael G. Foley, Bruce C. Garrett, Gregor L. Hanson, Donna M. Pimpao, James A. Wise, Loren P. Henderson, Lorna F. McGallian, and Richard L. Neal	BMI 002538
234	5/4/95	E-mail message from James A. Wise to Loren P. Henderson	BMI 001049
235	5/10/95	Memorandum from Subcommittee on Closing Costs, Copyright, and Veteran's Related Issues in J. Michael Blackford's Concern (Jim Wise and Mike Foley) to John Hirsch	BMI 003510-512
236	5/12/95	Battelle memorandum from Gregor L. Hanson and Robert L. Crook to Loren P. Henderson	BMI 002519-522
237	5/18/95-5/25/95	E-mail messages between Jan E. Goolsbey and J. Michael Blackford	BMI 001115-17
238	6/26/95	E-mail message from Jan E. Goolsbey to Earl W. Heister	BMI 002281
239	6/27/95	Battelle memorandum from Earl W. Heister to J. Michael Blackford [Blackford Dep. Exh. 17]	JMB 89-90
240	7/10/95	E-mail messages between J. Michael Blackford and Earl W. Heister	BMI 000994-99
241	7/11/95	E-mail message from Earl W. Heister to J. Michael Blackford	BMI 001008
242	8/23/95	Development Planning and Review for J. Michael Blackford (signed)	BMI 000285-88
243	11/1/95	J. Michael Blackford, 1/1/95-11/1/95, Distribution by Work Package	BMI 000229-30

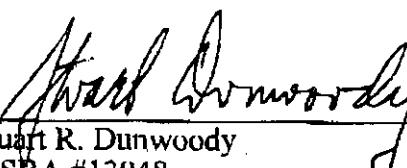
Exhibit Number	Document Date	Description	Document Production Numbers
244	12/16/95	Manager's Summary of Performance for J. Michael Blackford	BMI 273-74
245	1/3/96	Battelle memorandum from John S. Hirsch to J. Michael Blackford	BMI 003833
246	1/10/96-2/10/97	Various E-mail messages	BMI 003433-497
247	1/20/97	Systems Engineering Group 1996 Performance Review for J. Michael Blackford	BMI 000263-65
248	1/20/97	Battelle memorandum from Earl W. Heister to J. Michael Blackford	BMI 000052-53
249	1/20/97	Handwritten notes from meeting with Earl, Dick, and Mike Blackford	BMI 003175
250	4/9/97	E-mail message from J. Michael Blackford to Bob	JMB 308-09
251	5/12/97	E-mail message from Earl W. Heister	BMI 003176
252	5/12/97	Battelle memorandum from Earl Heister to Michael Blackford	BMI 003432
253	6/23/97	Battelle memorandum from Earl Heister to J. Michael Blackford	BMI 003558
254	8/12/97	Draft memorandum from J. Michael Blackford [Blackford Dep. Exh. 3]	JMB 311-341
255	11/5/97	Letter from Steven D. Dillingham/Department of Energy to Dr. William J. Madia/Pacific Northwest Laboratory	BMI 003538-541
256	12/18/97	Letter from Boole & Babbage to Mike Blackford	
257	12/22/97	James Michael Blackford Application for Employment with Boole & Babbage	
258	12/31/97	Form 1040 Income Tax Return for James M. Blackford	JMB 458-464

Exhibit Number	Document Date	Description	Document Production Numbers
259	2/4/98	Letter from Sandra L. Schneider/Department of Energy to Dr. William J. Madia/Pacific Northwest Laboratory	BMI 002447
260	7/10/98	Letter from Boole & Babbage to J.M. Blackford	
261	8/24/98	Letter from Stuart R. Dunwoody to Steven C. Lacy	
262	8/28/98	Letter from Steven C. Lacy to Stuart R. Dunwoody	
263	12/31/98	W-2 Wage and Tax Statement for James M. Blackford	
264	1/8/99	Defendant's First Interrogatories and Requests for Production and Answers Thereto	

DATED this 13th day of April, 1999.

14 Davis Wright Trcmaine LLP
 15 Attorneys for Defendant

16 By

17 
 18 Stuart R. Dunwoody
 WSBA #13948
 Jin H. Kim
 WSBA #21958

1 **CERTIFICATE OF SERVICE**

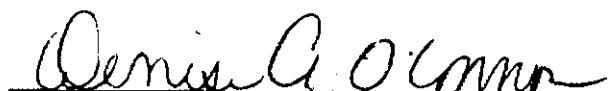
2 I certify under penalty of perjury that on the 13th day of April, 1999, I
3 caused copies of the foregoing:

4 **1. DEFENDANT'S WITNESS AND EXHIBIT LIST**
5
6 to be served upon the following:

7 Steven C. Lacy
8 Lacy & Kane, P.S.
9 222 Eastmont Avenue
10 P.O. Box 7132
11 East Wenatchee, WA 98802
12 FAX NO.: (509) 884-4805

- 13 (X) By United States Mail
14 () By Federal Express
15 (X) By Facsimile
16 () By Messenger

17 Dated this 13th day of April, 1999.

18 
19 DENISE A. O'CONNOR